

Message Text

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ORIGIN IO-14

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TAGS: ECOSOC, SHUM

SUBJECT: 64TH ECOSOC--IMPLEMENTATION OF THE COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AGENDA ITEM 5

REF: USUN 1747

1. AS NOTED IN POSITION PAPER ON SUBJECT ITEM, U.S.
PREFERRED POSITION IS THAT SESSIONIONAL WORKING GROUP BE
OPEN TO ALL MEMBERS OF ECOSOC REGARDLESS OF WHETHER THEY
ARE PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS. DEPT AGREES WITH USDEL'S VIEW
PER REFTEL THAT OPERATIVE PARA A OF DRAFT DECISION IS
UNACCEPTABLE.

2. AS A FIRST POSITION, USDEL SHOULD CONTINUE TO PRESS
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FOR A MEMBERSHIP FORMULA WHICH (A) IS BASED UPON THE
PRINCIPAL OF EQUITABLE GEOGRAPHIC DISTRIBUTION, AND (B)
DRAWS ITS MEMBERSHIP FROM ECOSOC AS A WHOLE. RE SIZE, OUR
PREFERENCE WOULD BE FOR A RELATIVELY SMALL MEMBERSHIP TO
ENABLE SESSIONAL WORKING GROUP TO FUNCTION AS EFFICIENTLY
AS POSSIBLE.

3. PARA A OF DRAFT DECISION, BESIDES HAVING THE BASIC

DEFECT OF BEING LIMITED TO STATES PARTIES TO THE COVENANT, ALSO IS DEFICIENT IN ITS LACK OF EQUITABLE GEOGRAPHIC DISTRIBUTION. PARTIALLY TO MEET THIS LATTER PROBLEM DEPT WOULD FAVOR GROUP LIMITED TO FIVE MEMBERS, ONE FROM EACH REGIONAL GROUP. FIVE-MEMBER GROUP WOULD HELP OFFSET PRECEDENT OF COMPOSING GROUPS WITHOUT GEOGRAPHICAL DISTRIBUTION. IT WOULD ALSO BE ADVANTAGEOUS SINCE GROUPS REPORT, ON WHICH U.S. WOULD NOT PARTICIPATE, LESS LIKELY TO BE AUTOMATICALLY ACCEPTED BY ECOSOC AS REPRESENTATIVE OF THE VIEWS OF MEMBERS OF ECOSOC. A FIVE-MEMBER GROUP WOULD BE LESS LIKELY TO PLAY A DOMINATING ROLE IN THE REVIEW PROCESS VIS-A-VIS THE CRUCIALLY IMPORTANT REVIEW ROLE OF ECOSOC AS A WHOLE.

4. DEPT SHARES USDEL'S CONCERN WITH PARA B, WHICH WOULD ALLOW FOR THE POSSIBILITY OF MEMBERSHIP ON SESSIONAL GROUP BY NON-MEMBERS OF ECOSOC. AS NOTED BY USDEL, THIS APPEARS TO BE CONTRARY TO RULE 72 OF ECOSOC RULES OF PROCEDURE SINCE MEMBERSHIP ON SESSIONAL GROUP WOULD IMPLY THE CAPACITY TO VOTE. USDEL SHOULD THEREFORE SUPPORT AMENDMENT WHICH IS TO BE PROPOSED BY FRG.

5. RE OPERATIVE PARA E, DEPT WOULD FAVOR LIMITING THIS PARAGRAPH TO THE SINGLE IDEA OF REVIEW OF THE DECISION; LIMITED OFFICIAL USE

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WE SUGGEST THAT PARA E BE AMENDED TO END AFTER THE WORDS "IN 1981." DEPT REGARDS REVIEW IMPORTANT SINCE, IF, AS APPEARS LIKELY, THE DECISION TAKEN AT THE PRESENT SESSION TURNS OUT TO BE DEFICIENT, WE WOULD WANT ANOTHER OPPORTUNITY ON THE EARLIEST POSSIBLE OCCASION TO INTRODUCE CHANGES MORE IN LINE WITH OUR PREFERENCES. THIS WOULD BE THE CASE REGARDLESS OF WHETHER OR NOT BY THE TIME OF THE FIRST REVIEW THE UNITED STATES HAD BECOME A PARTY TO THE COVENANT. IF ABOVE AMENDMENT NOT ACHIEVABLE WE WOULD FAVOR RETAINING PARA E AS IS, SO THAT IN 1981 REVIEW, APPLICATION OF PRINCIPLE OF GEOGRAPHIC DISTRIBUTION TO PRESUMED INCREASE IN NUMBER OF PARTIES TO THE COVENANT COULD RESULT IN REDUCING MEMBERSHIP OF COMMUNIST STATES.

6. DEPT ALSO HAS DIFFICULTY WITH PARA D IN DRAFT DECISION. INSTEAD OF HAVING WORKING GROUP PREPARE RECOMMENDATIONS ON ITS METHODS OF WORK USDEL SHOULD ARGUE THAT THIS JOB SHOULD BE DONE BY ECOSOC AS A WHOLE. USDEL SHOULD CONSEQUENTLY SEEK TO ACHIEVE THE ELIMINATION OF PARA D.

7. IN VIEW OF THE MANY UNSETTLED ISSUES AND THE WIDE
VARIETY OF VIEWS WHICH STILL APPEAR TO BE HELD ON THE

PART OF MANY MEMBERS OF ECOSOC, DEPT WOULD FAVOR POST-
PONING THE WHOLE DECISION AND USDEL SHOULD SUPPORT ANY
SUCH MOVE. IF POSTPONEMENT NOT ACHIEVABLE AND DRAFT
DECISION IS ADOPTED WITHOUT ANY AMENDMENT, USDEL SHOULD
VOTE AGAINST. IF PARA A IS NOT AMENDED TO PROVIDE FOR
A WORKING GROUP COMPOSED OF ONLY ONE STATE PARTY FROM
EACH REGION, USDEL SHOULD VOTE AGAINST THE DRAFT DECISION
REGARDLESS OF ANY OTHER AMENDMENTS THAT MIGHT BE ACHIEVED.
IF PARA A IS AMENDED TO PROVIDE FOR A GROUP COMPOSED
OF ONE STATE PARTY FROM EACH REGION AND OTHER EC-9
AMENDMENTS DESCRIBED REFTEL ARE ADOPTED, USDEL SHOULD
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ABSTAIN IN THE VOTE ON THE AMENDED DRAFT DECISION. CHRISTOPHER

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